

Nuclear War Plan in 80's Skirted the Constitution

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WASHINGTON, Nov. 17 — Acting outside the Constitution in the early 1980's, a secret Federal agency established a line of succession to the Presidency to assure continued government in the event of a devastating nuclear attack, current and former United States officials said today.

The officials reached today refused to discuss details of the plan, the existence of which was disclosed in a television program tonight on the Cable News Network. The CNN report said that if all 17 legal successors to the President were incapacitated, non-elected officials would assume office in extreme emergencies.

Among Government officials at the time who were designated to serve as successors in an expanded list, the CNN report said, were Howard H. Baker Jr., the former Senate Republican leader who later became White House chief of staff; a former Director of Central Intelligence, Richard Helms; the United Nations ambassador, Jeane J. Kirkpatrick, and a former Defense Secretary, James R. Schlesinger.

'Bringing in People'

In a brief telephone interview, Mr. Helms refused to discuss the classified program or his involvement, but said he was not familiar with "bringing in people from outside of government" to serve as Presidential successors.

The secret agency, the Federal Program Office, was created by President Ronald Reagan in 1982 to expand the list of successors and a network of bunkers, aircraft and mobile command centers to insure that the Government continued to function in a nuclear war and afterward. Oliver L. North, then a Marine lieutenant colonel and an aide on the National Security Council, was a central figure in establishing the secret program, CNN said.

The issue of maintaining civilian, constitutional government during and after a nuclear attack has been a high priority for at least the last three Administrations, although it was always recognized as a remote possibility. The recent thaw in East-West tensions has made such a strike more unlikely. Moreover many questions about the plan's operation remained unanswered tonight by the broadcast and by Administration officials, who were reluctant to discuss the classified program.

In the late 1970's, President Jimmy Carter directed Zbigniew Brzezinski, his national security adviser, to draw up a list of people to be evacuated from the White House in the event of an imminent nuclear strike. Those officials were then to fan out across the country on airborne command posts and mobile command centers.

President Reagan inherited the framework of the plan and authorized its expansion. That expansion included

creation of the National Program Office, which is run by the Vice President, CNN reported.

"It's a very elaborate plan to protect the leaders of Government when the country is under attack," Representative Lee H. Hamilton, Democrat of Indiana, said today. "You put them in, air and get them to hideaway locations, with special communication systems so the Government can function."

Mr. Hamilton, who was chairman of the House Intelligence Committee in 1985 and 1986, said he was not familiar with any extra-Constitutional succession provisions. The status of such a plan was unclear tonight.

The CNN report also said the United States had spent more than \$8 billion on the National Program Office since 1982, much of the money on advanced communications equipment designed to survive a nuclear blast. The communications systems were technically flawed, however, and prevented the State Department, Defense Department, Central Intelligence Agency and Federal Emergency Management Agency from being able to "talk to each other," according to CNN.

The law on Presidential succession makes the order: the Vice President, Speaker of the House, President pro tem of the Senate and the 14 Cabinet officers in order of the creation of their posts, beginning with the Secretaries of State, Treasury and Defense and succeeding to the newest department, Veterans Affairs.

Administration officials today refused to discuss the secret succession plan or the National Program Office.

A leading constitutional scholar who appeared on the CNN broadcast, Prof. William Van Alstyne of Duke University, said today that the very secrecy surrounding the plan could undermine its credibility if it ever had to be put into effect. Who, he asked, would believe an obscure figure claiming to be President under a top-secret plan no one had ever heard of?

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